

Chapter 3.04
EMPLOYEE CODE OF ETHICS*

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3.04.010 Code of ethics. There is established a code of ethics for all county officials and employees to provide guidance for public employees in the event of conflicts and to prevent conflicts of interest. (Ord. 1308 § 2, 1972).

3.04.015 Policy. It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.

Public confidence in government is essential and must be sustained by establishing and enforcing rules to assure the impartiality and honesty of officials and employees in all public transactions and decisions. Each affected agency of county government should inform its employees of the provisions of this chapter and strive to effectively enforce its requirements by seeking appropriate assistance from the office of citizen complaints, the board of ethics and the prosecuting attorney when considering and acting upon allegations of misconduct. (Ord. 9704 § 1, 1990).

3.04.017 Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

^{*}[For regulations prohibiting discrimination in employment by contractors, subcontractors or vendors, see K.C.C. chapter 12.16.]

A. "Accomplice" means a person who with knowledge that an action will promote or facilitate the commission of a crime or violation of an ordinance:

1. Solicits, commands, encourages, or requests another person to commit it; or
2. Aids or agrees to aid such other person in planning or committing it.

B. "Compensation" means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

C. "County action" means any action on the part of the county, including, but not limited to:

1. Any decision, determination, finding, ruling or order; and
2. Any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

D. "County employee" or "employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated, but does not include employees of the county's judicial branch. The term "county employee" also includes county elected officials and members of county boards, commissions, committees, or other multi-member bodies, but does not include officials or employees of the county's judicial branch but does include employees of the department of judicial administration.

E. "Department" means:

1. In the executive branch, an executive department or administrative office which reports to the executive or the county administrative officer, as applicable;
2. The department of assessments;
3. The office of the prosecuting attorney;
4. In the legislative branch, the council together with any subordinate legislative branch agency;
5. The department of judicial administration, and
6. The department of public safety.

F. "Doing business with the county" or "transactions with the county" means to participate in any proceeding, application, submission, request for ruling or other determination, contract, claim, case, or other such particular matter which the county employee or former county employee in question believes, or has reason to believe:

1. Is, or will be, the subject of county action; or
2. Is one to which the county is or will be a party; or
3. Is one in which the county has a direct and substantial proprietary interest.

G. "Gift" means anything of economic value, but shall not include campaign contributions regulated by the provisions of chapter 42.17 RCW, the charter and ordinances implementing them, informational materials exclusively for official or office use, memorials, trophies, and plaques of no commercial value, gifts of \$20.00 or less for bona fide, non-recurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

H. "Immediate family" means a county employee's spouse, domestic partner, employee's child or the child of an employee's domestic partner, and other dependent relatives if living in his or her household.

I. "Ombudsman" means the director of the office of citizen complaints established pursuant to Section 260 of the charter and K.C.C. chapter 2.52, or his or her designee.

J. "Participate" means, in connection with a transaction involving the county, to be involved in a county action personally and substantially as a county employee either directly, or through others through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

K. "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. The term does not include governmental units of the State of Washington or the United States unless so specified.

L. "Respondent" means the person against whom a complaint is filed or an investigation is conducted.

M. "Retaliatory action" means any action by a supervisor or other employee which is intended to embarrass or to harass any person as a result of such person having filed a written complaint with the office of citizen complaints or having raised privately or publicly any concern or question regarding an actual or apparent violation of the provisions of this chapter.

N. "Thing of value" means anything of tangible worth which is not compensation or a gift. (Ord. 14199 § 25, 2001: Ord. 12014 § 2, 1995).

3.04.020 Just and equitable treatment.

A. Use of Public Property. No county employee shall request or permit the use of county-owned vehicles, equipment, materials or property or the expenditure of county funds for personal convenience or profit. Use or expenditure is to be restricted to such services as are available to the public generally or for such employee in the conduct of official business.

B. Obligations to Citizens. No county employee shall grant any special consideration, treatment or advantage beyond that which is available to every other citizen.

C. Except as authorized by law and in the course of his or her official duties, no county employee shall use the power or authority of his or her office or position with the county in a manner intended to induce or coerce any other person to provide such county employee or any other person with any compensation, gift, or other thing of value directly or indirectly.

D. No county employee may ask for or receive, directly or indirectly, any compensation, gift, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, or action by the county other than the compensation, costs or fees provided by law.

E. Campaign activities. County employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of King County for such purposes except as authorized by the provisions of RCW 42.17.130. (Ord. 9704 § 3, 1990: Ord. 1308 § 3, 1972).

3.04.030 Conflict of interest.

A. No county employee shall engage in any act which is in conflict with the performance of official duties. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:⁽¹⁾

1. Receives or has any financial interest in any purchase, sale or lease to or by the county of any service or property when such financial interest was received or obtained with the prior knowledge that the county intended to purchase, sell or lease such property or service;⁽²⁾

2. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein;⁽³⁾

3. Accepts or seeks for others, directly or indirectly, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other county employees or the public generally, from any person, doing business, or seeking to do business with the county for which the employee has responsibility or with regard to which he or she may participate, provided that this subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the county when given in connection with meetings with constituents or meetings which are informational or ceremonial in nature;⁽⁴⁾

⁽¹⁾ Previously codified as the first paragraph of K.C.C. 3.04.030; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁾ Previously codified as K.C.C. 3.04.030A; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁾ Previously codified as K.C.C. 3.04.030B; renumbered by Ordinance 14218 § 1, 2001.

⁽⁴⁾ Previously codified as K.C.C. 3.04.030C; renumbered by Ordinance 14218 § 1, 2001.

4. Accepts, directly or indirectly, any gift, favor, loan, retainer, entertainment, travel expense, compensation or other thing of value from any person doing business or seeking to do business with the county when such acceptance may conflict with the performance of the employee's official duties. A conflict shall be deemed to exist where a reasonable and prudent person would believe that the gift, compensation, thing of value, or more favorable terms, was given for the purpose of obtaining special consideration or to influence county action. The financing of the conduct of county election campaigns shall continue to be governed by chapter 42.17 RCW and the provisions of the charter and ordinances;⁽⁵⁾

5. Participates in, influences or attempts to influence, directly or indirectly, the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the county if the employee has a financial interest in or with said person;⁽⁶⁾

6. Discusses or accepts an offer of future employment with any person doing or seeking to do business with the county if either:⁽⁷⁾

a. the employee knows or has reason to believe that the offer of employment was or is intended, in whole or in part, directly or indirectly, as compensation or reward for the performance or nonperformance of a duty by the employee during the course of county employment or to influence county action pertaining to the business; or⁽⁸⁾

b. the employee has responsibility for a matter upon which the person is doing or seeking to do business with the county unless the employee has first disclosed in writing to his or her appointing authority that the employee intends to discuss future employment with a specific person and the appointing authority has designated, in a memorandum filed with the board of ethics and a copy of which is maintained by the appointing authority, a method of providing for an alternative decisionmaker with regard to matters involving such person for which the employee otherwise would have responsibility;⁽⁹⁾

7. Within one year of entering county employment awards a county contract or participates in a county action benefiting a person that formerly employed him or her, provided, that participation other than contract award may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and that such authorization shall be filed with the board of ethics and a copy maintained by the appointing authority;⁽¹⁰⁾

8. Is an employee, agent, officer, partner, director or consultant of any person doing or seeking to do business with the county, unless such relationship has been disclosed as provided by this chapter;⁽¹¹⁾

9.a. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties. In addition, the following employees must obtain the prior written consent of their highest ranking supervisor authorizing either new or continued employment, or the acceptance of any compensation or any thing of value for services performed outside King County government:⁽¹²⁾

(1) the county administrative officer, the chief officer of each executive department or administrative office as defined by the provisions of the charter, the manager of each division of such department or office, and all persons who report directly to such individuals;⁽¹³⁾

(2) all nonelected council employees, provided that the personal staff of each individual councilmember shall obtain such consent from such councilmember;⁽¹⁴⁾

(3) all nonelected employees of the prosecuting attorney;⁽¹⁵⁾

(4) all nonelected employees of the department of judicial administration; and⁽¹⁶⁾

(5) all nonelected employees of the department of assessments.⁽¹⁷⁾

⁽⁵⁾ Previously codified as K.C.C. 3.04.030D; renumbered by Ordinance 14218 § 1, 2001.

⁽⁶⁾ Previously codified as K.C.C. 3.04.030E; renumbered by Ordinance 14218 § 1, 2001.

⁽⁷⁾ Previously codified as K.C.C. 3.04.030F; renumbered by Ordinance 14218 § 1, 2001.

⁽⁸⁾ Previously codified as K.C.C. 3.04.030F.1; renumbered by Ordinance 14218 § 1, 2001.

⁽⁹⁾ Previously codified as K.C.C. 3.04.030F.2; renumbered by Ordinance 14218 § 1, 2001.

⁽¹⁰⁾ Previously codified as K.C.C. 3.04.030G; renumbered by Ordinance 14218 § 1, 2001.

⁽¹¹⁾ Previously codified as K.C.C. 3.04.030H; renumbered by Ordinance 14218 § 1, 2001.

⁽¹²⁾ Previously codified as K.C.C. 3.04.030I; renumbered by Ordinance 14218 § 1, 2001.

⁽¹³⁾ Previously codified as K.C.C. 3.04.030I.1; renumbered by Ordinance 14218 § 1, 2001.

⁽¹⁴⁾ Previously codified as K.C.C. 3.04.030I.2; renumbered by Ordinance 14218 § 1, 2001.

⁽¹⁵⁾ Previously codified as K.C.C. 3.04.030I.3; renumbered by Ordinance 14218 § 1, 2001.

⁽¹⁶⁾ Previously codified as K.C.C. 3.04.030I.4; renumbered by Ordinance 14218 § 1, 2001.

⁽¹⁷⁾ Previously codified as K.C.C. 3.04.030I.5; renumbered by Ordinance 14218 § 1, 2001.

b. If such employment or service is deemed by the highest-ranking supervisor to pose a conflict of interest, the employee immediately shall divest such employment and failure to do so shall be grounds for dismissal;⁽¹⁸⁾

10. Enters into a business relationship outside county government with any other employee for whom he or she has any supervisory responsibility;⁽¹⁹⁾

11. Enters into a business relationship outside county government with any person with regard to a matter for which the employee has responsibility as a county employee;⁽²⁰⁾

12. Appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county council member may appear before regulatory governmental agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency;⁽²¹⁾

13. Directly or indirectly possesses a substantial or controlling interest in any person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter. A substantial interest is an interest that exceeds one-tenth of one percent of the outstanding securities of the person; or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of such concern; or the financial interest of a person exceeds five percent of the net worth of the employee and his or her immediate family;⁽²²⁾

14. As a county council member has a financial or other private interest in any legislation or other matter coming before the council, and fails to disclose such an interest on the records of the county council. This provision shall not apply if the county council member disqualifies himself or herself from voting by stating the nature and extent of such interest. Any other employee who has a financial or other private interest, and who participates in an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of such interest, shall be deemed in violation of this chapter;⁽²³⁾

15.a. Has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while;⁽²⁴⁾

(1) an elected county official;⁽²⁵⁾

(2) the executive's administrative assistants and office manager;⁽²⁶⁾

(3) county councilmembers' executive secretaries;⁽²⁷⁾

(4) county administrative officer, the county administrative officer's administrative assistants and the county administrative officer's confidential secretary;⁽²⁸⁾

(5) chief officer of each executive department, the chief officer's administrative assistants and confidential secretary;⁽²⁹⁾

(6) chief officer of each administrative office, the chief officer's administrative assistants and the chief officer's confidential secretary;⁽³⁰⁾

(7) council administrator, the council administrator's administrative assistants and the council administrator's secretary;⁽³¹⁾

⁽¹⁸⁾ Previously codified as the last paragraph of K.C.C. 3.04.030I; renumbered by Ordinance 14218 § 1, 2001.

⁽¹⁹⁾ Previously codified as K.C.C. 3.04.030J; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁰⁾ Previously codified as K.C.C. 3.04.030K; renumbered by Ordinance 14218 § 1, 2001.

⁽²¹⁾ Previously codified as K.C.C. 3.04.030L; renumbered by Ordinance 14218 § 1, 2001.

⁽²²⁾ Previously codified as K.C.C. 3.04.030M; renumbered by Ordinance 14218 § 1, 2001.

⁽²³⁾ Previously codified as K.C.C. 3.04.030N; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁴⁾ Previously codified as the first paragraph of K.C.C. 3.04.030O; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁵⁾ Previously codified as K.C.C. 3.04.030O.1; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁶⁾ Previously codified as K.C.C. 3.04.030O.3; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁷⁾ Previously codified as K.C.C. 3.04.030O.4; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁸⁾ Previously codified as K.C.C. 3.04.030O.5; renumbered by Ordinance 14218 § 1, 2001.

⁽²⁹⁾ Previously codified as K.C.C. 3.04.030O.6; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁰⁾ Previously codified as K.C.C. 3.04.030O.7; renumbered by Ordinance 14218 § 1, 2001.

⁽³¹⁾ Previously codified as K.C.C. 3.04.030O.8; renumbered by Ordinance 14218 § 1, 2001.

- (8) the ombudsman and the ombudsman's staff;⁽³²⁾
 (9) an employee of the department of assessments;⁽³³⁾
 (10) an employee assigned to either the board of equalization or the board of appeals, or both;
 and⁽³⁴⁾
 (11) any other county employee who has direct contact with the board of appeals and equalization in the carrying out of his or her duties;⁽³⁵⁾
 (12) a member of either the county board of appeals or the board of equalization, or both;
 and⁽³⁶⁾
 (13) clerk of the council and his or her secretaries.⁽³⁷⁾

b. All persons listed in subsection A.15.a.(1). through (13). of this section, who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure in K.C.C. 3.04.040.⁽³⁸⁾

16. As an appointive member of a board or commission, has a close relative serving on the same board or commission. For the purposes of this subsection, close relative is defined as:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son-in-law	Daughter-in-law
Niece	Nephew
Grandparent	Grandchild
Uncle	Aunt
Child	Child of domestic partner
Domestic partner	

In addition, the relatives of a domestic partner shall be considered close relatives to the same extent such relatives would be included in this subsection if the employee and the domestic partner were married;⁽³⁹⁾

17. Discloses or uses for the personal benefit of the employee or his or her immediate family any information acquired in the course of official duties which is not available as a matter of public knowledge or public record; or⁽⁴⁰⁾

18. Acts as an accomplice in any act by an immediate family member which, if such act were performed by the employee would be prohibited by 1., 2., 3., 4., 5., 6., 7., 8., 10., 11., 13., 14., 15. or 17. of this subsection. However, it shall not be a conflict of interest for such family member to enter into a bona fide contract of employment which is not intended to influence the action of the county employee.⁽⁴¹⁾

B. Subsection of A.2, 5, and 14 of this section is not violated by the possession by an employee of a financial interest in a person or other entity which is not a substantial interest as defined by subsection A.13 of this section.⁽⁴²⁾ (Ord. 14218 § 1, 2001: Ord. 14199 § 26, 2001: Ord. 12014 § 3, 1995).

Reviser's note: This section was amended by Ordinance 14199 § 26 and Ordinance 14218 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under K.C.C. 1.02.090.

⁽³²⁾ Previously codified as K.C.C. 3.04.030O.9; renumbered by Ordinance 14218 § 1, 2001.

⁽³³⁾ Previously codified as K.C.C. 3.04.030O.10; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁴⁾ Previously codified as K.C.C. 3.04.030O.11; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁵⁾ Previously codified as K.C.C. 3.04.030O.12; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁶⁾ Previously codified as K.C.C. 3.04.030O.13; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁷⁾ Previously codified as K.C.C. 3.04.030O.14 renumbered by Ordinance 14218 § 1, 2001.

⁽³⁸⁾ Previously codified as the last paragraph of K.C.C. 3.04.030O; renumbered by Ordinance 14218 § 1, 2001.

⁽³⁹⁾ Previously codified as K.C.C. 3.04.030P; renumbered by Ordinance 14218 § 1, 2001.

⁽⁴⁰⁾ Previously codified as K.C.C. 3.04.030Q; renumbered by Ordinance 14218 § 1, 2001.

⁽⁴¹⁾ Previously codified as K.C.C. 3.04.030R; renumbered by Ordinance 14218 § 1, 2001.

⁽⁴²⁾ Previously codified as K.C.C. 3.04.030S; renumbered by Ordinance 14218 § 1, 2001.

3.04.035 Conflict of Interest - former employees and members of county boards and commissions.

A. A conflict of interest shall be deemed to exist if any individual who has served as a member of a county board or commission, does within a period of two years after the termination of such service, appear before such board or commission, or receives compensation for any services rendered on behalf or in assistance of any person in relation to any action with respect to which such individual was directly concerned and in which he or she personally participated, either directly or indirectly, during the period of his or her service. The foregoing will also apply during the same period of time to any individual who is a partner, associate, or member of a person with which the former board or commission member has a financial interest;

B. All other county employees are prohibited from attempting to influence for compensation their former departments within one year after termination of county employment: provided, that such prohibition shall not apply to former deputy prosecuting attorneys with respect to their representation of defendants in criminal proceedings; and, provided further that such prohibition shall not apply to former career service employees whose termination of county employment is solely the result of a reduction in force due to lack of work, lack of funds or considerations of efficiency so long as such former employee does not participate in work related to any application, permit, approval or contract on which, while a county employee, he or she personally participated or acquired information in the course of official duties which is not available as a matter of public knowledge or public record. For two years after leaving the county's employ, former employees are required to disclose past county employment prior to participation in any county action;

C. No former county employee may assist any person for compensation or share in compensation received by any person on matters concerning which the former employee is prohibited from participating personally. (Ord. 10841 § 1, 1993: Ord. 9704 § 5, 1990: Ord. 6144 § 2, 1982).

3.04.037 Duty to notify supervisor. Any employee who becomes aware that he or she may have a potential conflict of interest which arises in the course of his or her official duties shall notify in writing his or her supervisor or appointing authority of such potential conflict.

Upon receipt of such notification the supervisor or appointing authority shall take action to resolve the potential conflict of interest, including but not limited to designating within a reasonable time an alternative employee to perform the duty which is involved in the potential conflict. The disposition of the potential conflict shall be stated in writing in files maintained by the supervisor or official. The supervisor or official may request an advisory opinion from the board of ethics before disposing of such potential conflict. (Ord. 11185 § 3, 1993: Ord. 9704 § 8, 1990).

3.04.040 Board of Equalization Appeals. All persons deemed to have a conflict of interest, pursuant to Section 3.04.030(O), and wishing to appeal to the county board of equalization shall be governed by the following procedure;

The appeal shall be automatically denied by the county board of equalization without hearing and a minute entry shall be made. The petitioner may then take action to appeal the decision of the county board of equalization to the State Board of Appeals in accordance with RCW 84.08.130.

However, the Board of Equalization may grant a change of venue to a Board of Equalization of another county, as provided in Title 2, K.C.C., in lieu of automatic denial, when:

A. A quorum cannot be achieved due to members of the board disqualifying themselves because of conflicts of interest or the appearance of fairness doctrine; or

B. When equalization is the basis for an appeal by a member of the board, assistants to the board, or any member of the county governmental authority or his or her own property or on property in which that person has an interest. (Ord. 11185 § 4, 1993: Ord. 6411, 1983: Ord. 1308 § 5, 1972).

3.04.050 Statement of financial and other interests.

A. All candidates for county elective office, and nominees for appointment to any county elective office except for judicial candidates, within two weeks of becoming a candidate or nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the board of ethics a statement of financial and other interests as defined in this section.

These requirements may be satisfied by filing with the board of ethics a copy of the report required to be filed by RCW 42.17.240, if this report contains an original signature of the person filing the report. The board of ethics shall forward a copy of such statements, reports and forms to the division of records and elections, or its successor agency, within ten days of their receipt.

B. Within ten days of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a written statement of financial and other interests, as defined in this section, with the board of ethics: all employees appointed by the county executive; all employees appointed by the county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C of this section. Within two weeks of becoming a nominee for appointment to county boards and commissions, the nominee shall file a written statement of financial and other interests, as defined in this section, with the board of ethics.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

D.1. The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting year:

a. compensation, gifts and things of value:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value; and

(2) the name of the individual who received the compensation, gift or thing of value and the individual's relationship to the employee;

b. financial interests:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, in whom the employee or a member of the employee's immediate family possessed a financial interest; and

(2) the name of the individual who possessed the financial interest and the individual's relationship to the employee;

c. positions:

(1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, with whom the employee or a member of the employee's immediate family held a position;

(2) the name of the individual who held the position and the individual's relationship to the employee; and

(3) the title of the position; and

d. real property:

(1) real property, listed by street address, assessor parcel number or legal description that was either involved in or the subject of an action by King County, in which the employee or a member of the employee's immediate family possessed a financial interest;

(2) the name of the individual who possessed the financial interest and the individual's relationship to the employee; and

(3) the name of the King County department involved in the transaction.

2. Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report. The use of the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and other interests to be filed within ten days of employment or appointment, the "reporting year" means the preceding twelve calendar months.

F. An individual filing a statement of financial affairs under subsection A of this section shall swear that the statement is a complete copy of the statement filed under state law and that the information contained in the statement is true and accurate. A county employee filing a statement of financial and other interests under subsection B of this section shall swear that the information in the statement is true and accurate.

G. The financing of election campaigns shall continue to be governed by other applicable local, state, and federal laws, and not by the provisions of this chapter.

H. Filing of the written statement of financial and other interests, as defined in this section, does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

I. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter.

J. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board, if adopting the rules, regulations and forms, shall adopt them as provided in K.C.C. chapter 2.98. (Ord. 14199 § 27, 2001: Ord. 14218 § 2, 2001: Ord. 13657 § 1999: Ord. 9704 § 6, 1990: Ord. 4808 § 1, 1980: Ord. 2294 § 1, 1975: Ord. 2184 § 2, 1974: Ord. 1308 § 6, 1972).

3.04.055 Complaints - investigations.

A. It shall be the responsibility of the ombudsman to investigate and report apparent criminal violations of this chapter to the appropriate law enforcement authorities and to enforce this ordinance according to the powers granted herein.

B. Complaints alleging a violation of any of the provisions of this chapter shall be filed with the ombudsman. Any such complaint shall be in writing, verified and signed by the complainant. The complainant may state in writing whether the complainant wishes his or her name not to be disclosed pursuant to the provisions of RCW 42.17.310(1)(e). The complaint shall describe the basis for the complainant's belief that this chapter has been violated.

C. Upon receipt of a complaint meeting the requirements of subsection B of this section, the ombudsman shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint to the person alleged to have violated this chapter within twenty days after the filing of said complaint, and shall promptly make an investigation thereof.

D. The investigation by the ombudsman shall be directed to ascertain the facts concerning the violation or violations of this chapter alleged in the complaint and shall be conducted in an objective and impartial manner and in furtherance of such investigation the ombudsman is authorized to use the subpoena power to compel sworn testimony from any person and require the production of any records relevant or material to the investigation except information which is legally privileged or otherwise required by law not to be disclosed.

E. During the investigation, the ombudsman shall consider any statement of position or evidence with respect to the allegations of the complaint which the complainant or respondent, wishes to submit.

F. The results of the investigation shall be reduced to written findings of fact and the finding shall be made that there either is or is not reasonable cause for believing that the respondent has violated one or more of the provisions of this chapter.

G. If a finding is made that there is no reasonable cause, said finding shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent, and a copy shall be provided to the board of ethics.

H.1. If the finding is made that reasonable cause exists to believe that the respondent has violated one or more of the provisions of this chapter, the ombudsman shall prepare an order to that effect, a copy of which shall be served or mailed, by certified mail, return receipt requested, to the respondent, and the original thereof filed with the board of ethics. The ombudsman shall provide a copy of the order to the office of the prosecuting attorney. Such reasonable cause order shall include:

- a. a finding that one or more violations of the chapter has occurred;
- b. the factual basis for such finding; and
- c. a notice informing the respondent that the respondent has the right to request a hearing before the board of ethics as set forth in K.C.C. 3.04.057.

2. If the respondent does not request an appeal hearing in a timely manner under K.C.C. 3.04.057, the ombudsman shall provide a copy of the reasonable cause order to the complainant and the respondent's appointing authority. (Ord. 14218 § 3, 2001: Ord. 11185 § 5, 1993: Ord. 9704 § 9, 1990).

3.04.057 Appeal.

A. Any respondent aggrieved by an order of the ombudsman may request in writing within twenty days of the service of the order upon the respondent an appeal hearing before the board of ethics. The request shall cite the order appealed from and specify with particularity the findings being contested. The request shall be filed with the board of ethics, with a copy provided to the ombudsman;

B. Any order issued by the ombudsman pursuant to K.C.C. 3.04.055 shall become final twenty days after service of the order unless a written request for an appeal hearing as set forth above is received by the board of ethics within the twenty-day period;

C. If an order of the ombudsman has been timely appealed, a hearing shall be conducted by the board of ethics for the purpose of affirming, denying or modifying the order. The parties to the hearing shall be the respondent and the ombudsman or his or her designee. There shall be a verbatim record kept of the hearing and the board of ethics shall have the power to administer oaths and affirmations, issue subpoenas and compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records relevant or material to the hearing. The burden of proving that a violation occurred shall at all times be upon the ombudsman. The board of ethics's decision shall be based upon a preponderance of the evidence. Such hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to the parties;

D. At the hearing, each party shall have the following rights:

- 1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombudsman or his or her designee;
- 2. To introduce documentary and physical evidence;
- 3. To cross-examine opposing witnesses on any relevant matter;
- 4. To impeach any witness regardless of which party first called the witness to testify;
- 5. To rebut evidence against him or her; and
- 6. To represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so;

E. Following review of the evidence submitted, the board shall within a reasonable time enter written findings and conclusions and shall affirm or modify the order previously issued if the board finds that one or more violations of this chapter has occurred. The board shall reverse the order if it finds no violations of this chapter have occurred. A copy of the board's decision shall be served or mailed, by certified mail, return receipt requested, to the respondent, and the original thereof retained by the board. The board shall provide a copy of its decision to the ombudsman, the respondent's appointing authority, the office of the prosecuting attorney and the complainant. (Ord. 14218 § 4, 2001: Ord. 11185 § 6, 1993: Ord. 9704 § 10, 1990).

3.04.060 Penalties.

A. Criminal Penalties. Any negligent or willful violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail not to exceed ninety days; or both;

B. Civil Penalties and Disciplinary Action.

1. Any elected official who commits a violation of this chapter shall be subject to penalties as provided by RCW 42.12.010 and King County Charter and shall be subject to a civil penalty of an amount not to exceed the lesser of one month of the respondent's county pay or the amount authorized by law. Any person having an existing contract with King County or seeking to obtain a contract who willfully attempts to secure preferential treatment in his/her dealings with the county by offering any valuable consideration, thing of value or gift, whether in the form of services, loan, thing or promise, in any form to any county official or employee, shall have his/her current contracts with the county canceled and shall not be able to bid on any other county contract for a period of two years.

2. An employee of the county who commits a violation of this chapter shall be subject to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and collective bargaining agreements. An employee of the county who commits a violation of this chapter shall also be subject to a civil penalty; provided that such penalty shall not exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

3. Members of boards and commissions who commit a violation of this chapter shall be subject to immediate removal from such appointment.

C. Civil and criminal liability under the provisions of this section shall be imposed on any person who either directly or as an accomplice commits a violation of this chapter.

D. A county employee who engages in retaliatory action as defined herein shall be subject to civil and criminal penalties as set forth in this section. (Ord. 11185 § 7, 1993: Ord. 9704 § 7, 1990: Ord. 1308 § 7, 1972).

3.04.070 Constitutionality. Should any section, subsection, paragraph, sentence, clause or phrase of Sections 3.04.010 through 3.04.060 be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of Sections 3.04.010 through 3.04.060. (Ord. 1308 § 8, 1972).

3.04.080 Board of ethics - Membership and terms. There is created a board of ethics, composed of five members, two to be appointed by the county executive, two to be appointed by the county executive from a list of nominees submitted by the county council, and the fifth, who shall be chairman, to be appointed by the county executive from a list of nominees submitted by the other four members. All appointments are to be confirmed by the county council. The terms of the board members shall be three years. The first three members shall be appointed for one, two and three-year terms respectively. The chairman shall have a three-year term; the other terms are to be determined by lot. A member of the board of ethics may be removed for just cause by a two-thirds vote of the county council, after written charges have been served on the member and a public hearing has been held by the county council. The board shall be advisory and shall meet as frequently as it deems necessary. A majority of the board shall constitute a quorum. (Ord. 11185 § 8, 1993: Ord. 1321 § 2, 1972).

3.04.090 Board of ethics - Purpose. The purpose of the board of ethics shall be to insure proper implementation of the code of ethics and to investigate and report on conflicts of interest. (Ord. 1321 § 3, 1972).

3.04.100 Board of ethics - Authority. A. Whenever requested by a county officer or employee, or whenever it deems it in the public interest, the board of ethics shall render advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion shall be delivered to the ombudsman, the county executive and all members of the King County council. Such opinion may also be released to the public at the discretion of the board with such omissions as may be necessary to protect the confidence and privacy of county officers or employees. A written copy of the board's opinion shall be delivered to the officer or employee requesting the opinion.

B. The board shall hear appeals from orders of the ombudsman as provided in this chapter. (Ord. 9704 § 12, 1990: Ord. 1321 § 4, 1972).

3.04.110 Board of ethics - Income disclosure. The board of ethics shall adopt and promulgate rules and regulations delineating personnel employed by the county, not included in the county code of ethics, who shall be required to complete and file statements of disclosure of income and investments. The statements of elected officials, candidates, department directors, division managers, the county administrative officer, chief officers of administrative offices and the county executive's administrative assistants shall be public record. All other statements shall not be made public without written approval of the board of ethics. (Ord. 14199 § 28, 2001: Ord. 3434 § 1, 1977: Ord. 1321 § 5, 1972).

3.04.120 Disclosure of interests by consultants. A.1. Each consultant entering into a contract to provide professional or technical services to the county costing in excess of two thousand five hundred dollars shall file both with the King County board of ethics and the executive a sworn written statement disclosing the following information:

a. any office or directorship in the consultant held by any county employee or any member of his or her immediate family;

b. any financial interest in the consultant held or received by any county employee or any member of his or her immediate family as follows:

(1) ownership of over five percent of the stock or other form of interest in the consultant; and

(2) receipt of any compensation, gift or thing of value from the consultant;

c. a list of all contracts between the consultant and the county in the five years immediately preceding the presently contemplated contract including the amount of money paid by the county to the consultant pursuant to each contract;

d. any position or positions on any county board or commission, whether salaried or unsalaried, held by any officer or director of the consultant in the five years immediately preceding the presently contemplated contract; and

e. any other information known to the consultant about any interest or relationship whatsoever between any county employee, including any member of his or her immediate family, and the consultant, other than that disclosed pursuant to subsection A.1.a. through d. of this section.

2. Unless otherwise specified in this section, the information disclosed shall cover the period twenty-four months before and including the date of filing the sworn statement.

B. No payment shall be made on any contract with any consultant until five days after receipt by the board of ethics and the executive of the information required to be disclosed by this section.

C. For purposes of this section, "consultant" means a person, as defined in K.C.C. 3.04.017, who by experience, training and education has established a reputation or ability to provide professional or technical services, as defined in K.C.C. 4.16.010, on a discrete, nonrecurring basis over a limited and preestablished term as an independent contractor to the county. (Ord. 13710 § 1, 2000: Ord. 12138 § 4, 1996).

3.04.130 Authorization to Implement Procedures. The ombudsman and the board of ethics are each authorized to implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter; provided that any rules governing the conduct of contested hearings shall be promulgated in compliance with K.C.C. 2.98, Rules of County Agencies.

The executive is directed to prepare, with the assistance of council staff, the office of the prosecuting attorney, the ombudsman and the board of ethics, information regarding the provisions of this chapter to be made available to employees and members of boards and commissions the availability of these materials and of copies of this chapter shall be described in a summary form which shall be distributed to all county employees on or before April 20, 1994 and an acknowledgment of receipt of such form shall be signed and returned by each employee to the office of human resource management on or before May 20, 1994. Each new employee shall sign and return such form prior to commencing work for King County. (Ord. 11185 § 9, 1993: Ord. 9704 § 13, 1990).

3.04.140 Forwarding to District and Superior Courts. The executive is directed to forward a copy of Ordinance 9704 to the presiding judges of the district and superior courts for consideration by the courts in their evaluation of possible future amendments to existing codes of judicial conduct and personnel administration. (Ord. 9704 § 14, 1990).

3.04.150 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 9704 § 15, 1990).

3.04.160 Effective date. Ordinance 9704 shall take effect on March 31, 1991; provided, that in the event that any provision herein is in conflict with the provisions of a collective bargaining agreement in effect upon such date, the agreement shall control as to employees in such bargaining unit during the term of such agreement. (Ord. 9704 § 16, 1990).